

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:12-cv-00048-MR**

STEVEN MOSES,)
)
 Plaintiff,)
)
 vs.)
)
 WELLS FARGO BANK, N.A.,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on the parties' joint Motion for Substitution of Parties [Doc. 32] and the Notice of Hearing [Doc. 33] regarding the same.

On January 22, 2014, counsel for Plaintiff Steven Moses provided notice to the Court that Mr. Moses had died in late 2013. [Doc. 24]. On April 23, 2014, the parties sought an extension of time for substitution of Mr. Moses's successor or representative as a party Plaintiff/Counterclaim Defendant [Doc. 30]. On May 8, 2014, the Court allowed the extension of time. [Doc. 31].

Counsel for the parties filed their Motion for Substitution of Parties on June 17, 2014, supported by exhibits that included a Certificate of Death for

Mr. Moses executed by Steven P. Schwartz, Ph.D., the City Registrar of the City of New York (Exhibit A) and an Appointment of Executor for the Estate of Steven Moses, Deceased, which was executed by the New York County Surrogate's Court, State of New York, and signed by Diana Sanabria, Chief Clerk (Exhibit B). Exhibit A shows that Mr. Moses died on December 9, 2013 and Exhibit B shows that Letters Testamentary were issued to Beth Moses as Fiduciary on April 30, 2014. [Docs. 32-1, 32-2].

The question of who is to substitute as a party for the late Mr. Moses does not appear to be not complex or disputed. The successor-in-interest to Steven Moses, Deceased, is readily identifiable from the record as being Beth Moses in her capacity as Executor. Under the circumstances, it is appropriate to dispense with oral argument and to decide the Motion on the papers.

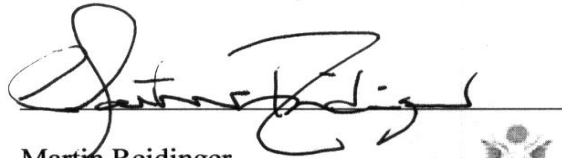
The Court hereby determines that the Notice of Hearing filed by the parties shall and does constitute a sufficient means of notice in the public record under Rule 25 of the Federal Rules of Civil Procedure for other interested parties, if there be any, to appear and be heard on the motion. In the event that no other interested party appears and proposes a different party to substitute for the late Steven Moses, Deceased, by the date of July 18, 2014, then the Court will allow the substitution by a separate Order.

Should any such other interested party appear and contest the substitution, then the Court will schedule a hearing.

Should the parties' proposed substitution be allowed, counsel for the Executor shall file a Notice of Appearance on behalf of the Estate of Steven Moses, Deceased, by and through its Executor Beth Moses, and further filings in this case shall be submitted under that caption.

IT IS, THEREFORE, ORDERED that should a party appear before July 18, 2014 and contest the substitution of the Estate of Steven Moses, Deceased, by and through its Executor Beth Moses, as a party to this action, then the Court shall set a hearing on the Motion for Substitution of Parties. **IT IS SO ORDERED.**

Signed: June 19, 2014


Martin Reidinger
United States District Judge

